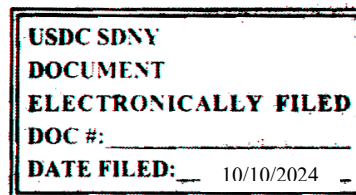


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
Barbara Mitko,

Plaintiff,

-against-

The Home Depot, Inc. et al.,

Defendants.

ORDER RE
CASE MANAGEMENT PLAN

24-cv-2699-VR

-----X

VICTORIA REZNIK, United States Magistrate Judge:

On August 30, 2024, the parties consented to have a United States Magistrate Judge conduct all proceedings in this matter. (ECF No. 22). Shortly thereafter, the parties participated in a settlement conference with the Court but attempts to settle the matter at this early stage failed. (Minute Entry dated 09/04/2024). Thus, the parties are directed to proceed with discovery and revisit settlement discussions later.

The parties are to meet and confer, in accordance with Rule 26(f) of the Federal Rules of Civil Procedure, regarding a proposed Case Management Plan (the form for which is attached to this Order). The proposed Case Management Plan should be submitted to the Court as a proposed order via ECF, by no later than October 23, 2024. The parties should also submit a joint status letter by that date detailing the status of discovery, anticipated next steps, and any potential issues.

SO ORDERED.

DATED: White Plains, New York
October 10, 2024



VICTORIA REZNIK
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

10/10/2024

,

Plaintiffs,

-against-

**CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**

,

Defendant.

☐

-----X

This Civil Case Management Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure:

1. **Jury/Non-Jury.**

This case [is] [is not] to be tried to a jury (circle one).

2. **Amendment/Joinder.**

The parties may amend the pleadings or join additional parties before _____.

3. **Initial disclosures.**

Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by _____.

4. **Fact Discovery.**

The parties will conduct discovery in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, and Judge Reznik's Individual Practices. The interim deadlines in paragraphs 4(b) through 4(e) may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 4(a).

a. **Fact Discovery Deadline.**

All fact discovery must be completed by _____.

b. **Requests for Production.**

Initial requests for production of documents must be served by _____. Any subsequent requests for production must be served no later than 45 days before the fact discovery deadline.

c. **Interrogatories.**

Interrogatories must be served by _____.

Any subsequent interrogatories must be served no later than 45 days before the fact discovery deadline.

d. **Fact Depositions.**

Non-expert depositions must be completed by _____.

Absent an agreement between the parties or an order from the Court, non-party depositions must follow initial party depositions.

e. **Requests to Admit.**

Requests to admit must be served by _____, and in any event no later than 45 days before the fact discovery deadline.

5. **Settlement/ADR.**

Within 14 days of the completion of fact discovery, counsel and any unrepresented parties must meet to discuss settlement. The parties must file a joint letter concerning settlement within 21 days of the completion of fact discovery. The letter must include a statement as to whether the parties propose using any of the following alternative dispute resolution mechanisms: (i) a settlement conference with the Court; (ii) participation in the Court's Mediation Program; and/or (iii) retention of a private mediator. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order absent express permission from the Court.

6. **Expert Discovery.**

a. **Expert Discovery Deadline.**

All expert discovery, including expert depositions, must be completed by _____.

b. **Plaintiff's Expert Reports.**

Plaintiff's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by _____.

c. **Defendant's Expert Reports.**

Defendant's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by _____.

d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).

7. **ALL DISCOVERY MUST BE COMPLETED BY _____.**

(Absent exceptional circumstances, this date should align with the completion of all expert discovery in paragraph 6(a).)

8. **Summary Judgment Motions.**

All motions and applications must be governed by the Court's Individual Practices. Within 14 days of the completion of all discovery, any party wishing to file a summary judgment motion shall file a pre-motion letter (not a letter-motion) no longer than three (3) single-spaced pages in length, setting forth the basis for the anticipated motion. The opposing party shall submit a letter response via ECF, no longer than three (3) single-spaced pages in length, *within five business days* after submission of the moving party's letter, unless the parties agree otherwise (and the Court is informed of the agreed response date by letter).

9. **Joint Pretrial Order.**

Unless otherwise ordered by the Court, the parties must submit a proposed Joint Pretrial Order for approval within 30 days after the date for the completion of all discovery, or, if a summary judgment motion has been filed, within 30 days after a decision on the motion. The proposed Joint Pretrial Order must be prepared in accordance with Judge Reznik's Individual Practices, and the parties must also comply with Judge Reznik's Individual Practices with respect to the filing of other required pretrial documents.

10. **Estimated length of trial.**

The parties have conferred and their present best estimate of the length of the trial is _____.

11. This Civil Case Management Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court (except as provided in paragraphs 4 and 6(d) above)

Dated:

White Plains, NY

SO ORDERED.

VICTORIA REZNIK
United States Magistrate Judge